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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,740	01/26/2004	Michael P. Connelly	1842.013US1	8634
70648 7590 06/18/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/WMS GAMING P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER TORIMIRO, ADETOKUNBO OLUSEGUN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/764,740	Applicant(s) CONNELLY, MICHAEL P.	
	Examiner Adetokunbo O. Torimiro	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/16/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment received on 03/16/2007 has been considered. It has been noted that claims 18 and 20 have been amended. New claims 21 and 22 have been added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claims 21 and 22: these claims contain new matters not described in the specification. The limitations "audio module further operable to stop presentation of the audio track between reel spins while maintaining audio track rhythm over multiple reel spins" in lines 6-7 and 3-4 of both claims 21 and 22 respectively were introduced in the amendments to both claims without having a prior description in the specification. The Examiner interprets the stop while maintaining rhythm as a method when the volume is reduced and not heard by the player of the game while the rhythm itself is still going on but just not audible.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-10, 12-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hecht et al (US 2003/0073491).

Re claim 1: Hecht et al discloses a computerized gaming system, comprising: a gaming module (10a), comprising a processor (38) and gaming code (72) which is operable when executed on the processor (38) to conduct a reel slot machine wagering game on which monetary value can be wagered (see fig.1a, 2, and 3; par. [0038]; and par. [0055], lines 5-8); and an audio module / *sound card* (42), the audio module operable to play an audio track / *music, sound files* during reel spins, the audio module (42) further operable to maintain audio track rhythm over multiple reel spins (see fig.3; par. [0047]; and par. [0054], lines 3-9).

Re claim 2: Hecht et al discloses the computerized gaming system wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading out the track in conjunction with a stopped reel (see fig.3; par. [0047]; par. [0054], lines 3-9; par.

[0067], lines 7-9; and par. [0075], lines 10-12).

Re claim 4: Hecht et al discloses the computerized gaming system wherein the audio module / *sound card* (42) is operable to maintain audio track rhythm over multiple reel spins by playing the track / *music, sound files* from a point calculated / *sound-causing event* to maintain rhythm from a previous reel spin upon initiation of reel spin (see par. **[0054], lines 3-9).**

Re claim 5: Hecht et al disclose the computerized gaming system wherein the reels (34) are video representations of reels (34) on a video slot machine (see **fig.1a; par. [0037], lines 7-11).**

Re claim 6: Hecht et al disclose the computerized gaming system wherein the reels (34) are mechanical reels under the control of the computerized gaming system (see **fig.1a; par. [0036], lines 5-9).**

Re claim 7: Hecht et al discloses the computerized gaming system wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading the track to a reduced volume in conjunction with a stopped reel (see **fig.3; par. [0047]; par. [0052], lines 1-4; par. [0054], and lines 3-9).**

Re claim 8: Hecht et al discloses the computerized gaming system wherein the audio module (42) is further operable to play at least one additional audio track in rhythm with the audio track / *sound file* played during reel (34) spin (see **fig.4; par. [0070], lines 4-7**).

Re claim 9: Hecht et al discloses a method of operating a computerized gaming system, comprising: playing an audio track / *music, sound files* during reel spins of a reel slot machine game (10a) via an audio module / *sound card* (42); the audio module (42) further operable to maintain audio track rhythm over multiple reel spins (see **fig.1a and 3; par. [0047]; and par. [0054], lines 3-9**) and wherein the reel slot machine game comprises a game upon which monetary value can be wagered (see **par. [0055], lines 5-8**).

Re claim 10: Hecht et al discloses the method wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading out the track in conjunction with a stopped reel (see **fig.3; par. [0047]; par. [0054], lines 3-9; and par. [0067], lines 7-9**).

Re claim 12: Hecht et al discloses the method wherein the audio module / *sound card* (42) is operable to maintain audio track rhythm over multiple reel spins by playing the track / *music, sound files* from a point calculated / *sound-causing event* to maintain

rhythm from a previous reel spin upon initiation of reel spin (see par. [0054], lines 3-9).

Re claim 13: Hecht et al disclose the method wherein the reels (34) are video representations of reels (34) on a video slot machine (see par. [0037], lines 7-11).

Re claim 14: Hecht et al disclose the method wherein the reels (34) are mechanical reels under the control of the computerized gaming system (see fig.1a; par. [0036], lines 5-9).

Re claim 15: Hecht et al discloses the method wherein the audio module / *sound card* (42) is operable to maintain audio track / *music, sound files* rhythm over multiple reel spins by playing a track / *music, sound files* continuously and by further fading in the track in conjunction with a spinning reel and by fading the track to a reduced volume in conjunction with a stopped reel (see fig.3; par. [0047]; par. [0052], lines 1-4; par. [0054], and lines 3-9).

Re claim 16: Hecht et al discloses the method wherein the audio module (42) is further operable to play at least one additional audio track in rhythm with the audio track / *sound file* played during reel (34) spin (see fig.4; par. [0070], lines 4-7).

Re claim 17: Hecht et al discloses a computerized gaming system, comprising: a gaming module (10a), comprising a processor (38) and gaming code (72) which is operable when executed on the processor (38) to conduct a reel slot machine wagering

game on which monetary value can be wagered (see fig.1a, 2, and 3; par. [0038]; and par. [0055], lines 5-8); and an audio module / *sound card* (42), the audio module operable to play an audio track / *music, sound files* during reel spins at a louder volume level and to play the audio track at a quieter or muted volume level when the reels are not spinning, the audio module (42) further operable to maintain audio track rhythm over multiple reel spins (see fig.3; par. [0047]; par. [0052], lines 1-4; par. [0054], lines 3-9; and par. [0067], lines 7-9).

Re claim 18: Hecht et al discloses the computerized gaming system wherein the audio track / *sound files* comprises multiple audio element tracks / *sound files, musical sound recordings, sound effect recordings* (see par. [0048]), and wherein only select / *certain* audio element tracks / *sounds, music* are played on each reel spin (see par. [0010], lines 9-13).

Re claim 20: Hecht et al discloses a machine-readable medium / *memory storage devices* with instructions stored thereon (see par. [0011], lines 5-6), the instructions when executed operable to cause a computerized gaming system to: conduct a reel slot machine wagering game upon which monetary value can be wagered (see fig.1a, 2, and 3; par. [0038]; and par. [0055], lines 5-8); and play an audio track during reel spins at a louder volume level and to play the audio track at a quieter or a muted volume level when the reels are not spinning, the audio module further operable to maintain audio track rhythm over multiple reel spins (see fig.3; par. [0047]; par.

[0052], lines 1-4; par. [0054], lines 3-9; and par. [0067], lines 7-9).

Re claim 21: Hecht et al discloses a computerized gaming system, comprising: a gaming module (10a), comprising a processor (38) and gaming code (72) which is operable when executed on the processor (38) to conduct a reel slot machine wagering game on which monetary value can be wagered (see **fig.1a, 2, and 3; par. [0038]; and par. [0055], lines 5-8**); and an audio module / *sound card* (42), the audio module operable to play an audio track / *music, sound files* during reel spins, the audio module (42) further operable to stop presentation of the audio track between reel spins while maintaining audio track rhythm over multiple reel spins (see **fig.3; par. [0047]; par. [0054], lines 3-9; and par. [0075], lines 10-12**). **It is apparent to Examiner that when the volume of the track is reduced completely, it appears that the audio track has stopped whereas the rhythm is still going on and just not audible enough to be heard.**

Re claim 22: Hecht et al discloses a method of operating a computerized gaming system, comprising: playing an audio track / *music, sound files* during reel spins of a reel slot machine game (10a) via an audio module / *sound card* (42), the audio module (42) further operable to stop presentation of the audio track between reel spins while maintaining audio track rhythm over multiple reel spins (see **fig.1a and 3; par. [0047]; and par. [0054], lines 3-9**) and wherein the reel slot machine game comprises a game upon which monetary value can be wagered (see **par. [0055], lines 5-8; and**

par. [0075], lines 10-12). It is apparent to Examiner that when the volume of the track is reduced completely, it appears that the audio track has stopped whereas the rhythm is still going on and just not audible enough to be heard.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht et al (US 2003/0073491) in view of Bates et al (US 2003,0130020). The teachings of Hecht et al have been discussed above.

Re claim 3: Hecht et al teach the computerized gaming system comprising an audio module / *sound card* (42).

However, Hecht et al fails to teach the computerized gaming system wherein the audio module is further operable to loop play the continuous track such that rhythm of the track is maintained.

Bates et al teaches the computerized gaming system wherein the audio module (305) is further operable to loop play the continuous track / *sound* such that rhythm of the track is maintained (see **fig.3; par. [0023], lines 10-12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the computerized gaming system an audio module further

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operable to loop play the continuous track such that rhythm of the track is maintained, so as to prevent the player from getting bored by attracting the attention of the players of the gaming system, thereby increasing the players enjoyment of the gaming system.

Re claim 11: Hecht et al teach the method of operating a computerized gaming system comprising an audio module / *sound card* (42).

However, Hecht et al fails to teach the method wherein the audio module is further operable to loop play the continuous track such that rhythm of the track is maintained.

Bates et al teaches the method wherein the audio module (305) is further operable to loop play the continuous track / *sound* such that rhythm of the track is maintained (**see fig.3; par. [0023], lines 10-12**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the computerized gaming system an audio module further operable to loop play the continuous track such that rhythm of the track is maintained, so as to prevent the player from getting bored by attracting the attention of the players of the gaming system, thereby increasing the players enjoyment of the gaming system.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecht et al (US 2003/0073491) in view of Tsukahara (US 6,416,411). The teachings of Hecht et al have been discussed above.

Re claim 19: Hecht et al teach the computerized gaming system with reel spin (**see par. [0054], lines 8-9**).

However, Hecht et al fails to teach the computerized gaming system wherein at least

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one of the selected audio element tracks played on each reel spin is randomly selected for each reel spin.

Tsukahara teaches the computerized gaming system wherein at least one of the selected audio element tracks played on each reel spin is randomly selected for each reel spin (see col.10, lines 5-9).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the computerized gaming system a random selection of audio element tracks for each reel spin so that the player do not loose pleasure in the game by hearing the audio tracks in the same sequence every time; including the random audio track selection increases the players appeal in the computerized gaming system thereby increasing the players enjoyment of the gaming system.

Response to Arguments

9. The Applicants correction in regards to the Drawing objections, 101 and 112 Rejections of the claim is accepted therefore, those objection and rejections has been withdrawn.

10. Applicant's arguments filed 03/16/2007 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claims 1-2,4-10,12-18, and 20 that Hecht et al fails to teach or anticipate anything about maintaining audio rhythm of an audio track played during reel spins over multiple reel spins. According to Hecht et al as stated in par. [0080], lines 4-6 there is a continuous playing of the same sound throughout the remainder of generated

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display. The Examiner interpreted the claim and the multiple reel in the claim to be the generated display and according to this teaching of Hecht et al, the sound is played for as long as a reel is still being displayed, which Examiner believes is the same principle as the Applicant's claimed limitation.

In response to the applicant's argument regarding claims 3 and 11 that Bates et al does discuss looping an audio track, but does not teach doing so in a way that an audio rhythm is maintained. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner points out to the Applicant that as explained above about Hecht et al which is combined with Bates et al teaches maintaining a rhythm of an audio track. Also Examiner points out that Bates et al teaches looping of sounds/ rhythm and it is apparent to Examiner that during looping of sound/rhythm, sound/rhythm is definitely maintained.

In response to applicant's argument regarding claim 19 that Tsukahara fails to teach or suggest randomly selecting a track for each spin or random audio track selection for some particular game event. As pointed out by the Applicant, Tsukahara teaches randomly selecting sound based on predetermined events, which the Applicant's claim as interpreted by the Examiner teach the same feature. The Examiner points out to Applicant that the function of reel spin is a predetermined function and hence a condition triggering the sound/ track being played.

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In combination with Hecht et al from the discussion above, they teach the functions of playing the audio track while maintaining rhythm across multiple reel spins.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER